

IC 20-10.1-9

Chapter 9. Textbook Adoption

IC 20-10.1-9-1

Adoption of textbooks

Sec. 1. (a) Subject to subsection (c), the state board of education shall adopt textbooks and enter into contracts with publishers to furnish these textbooks at fixed prices. For each subject for which credit is given in the public schools and for each grade, the board shall adopt as many textbooks as it finds are satisfactory. In addition to adopting textbooks under this section, the board may recommend to school corporations as many as seven (7) textbooks from the list of adopted textbooks that the board finds most satisfactory. The board shall make regular adoptions and contracts each year for every subject in one (1) subject classification under section 4 of this chapter. These contracts shall be for six (6) years. The board in its call for bids may exempt a certain textbook category or categories in nonrequired subject matter areas from being bid.

(b) If a textbook:

- (1) were adopted by the state board of education at its last regular adoption of textbooks for that subject, or was adopted by the board under section 5 or 6 of this chapter within the last six (6) years; and
- (2) the publisher does not submit a bid proposal for that textbook at the next regular adoption of textbooks for that subject;

a school corporation may continue to use that textbook unless the board finds that the textbook is no longer satisfactory. This subsection does not require a publisher to submit a bid or enter into a contract for the continued sale of such a textbook. A textbook whose continued use is authorized by this subsection may be used for a maximum of six (6) years after the expiration of its original adoption.

(c) The board may adopt only textbooks that:

- (1) have been recommended by the advisory committee on textbook adoption under IC 20-1-1-1; or
- (2) are approved by seven (7) members of the board.

(d) In adopting textbooks, the board shall give priority to textbooks written at a reading level appropriate to the grade for which the textbooks will be used.

*(Formerly: Acts 1975, P.L.240, SEC.1; Acts 1975, P.L.241, SEC.3.)
As amended by Acts 1981, P.L.201, SEC.1; P.L.122-1984, SEC.1;
P.L.20-1984, SEC.126; P.L.228-1987, SEC.1.*

IC 20-10.1-9-2

Rules

Sec. 2. The state board of education may prescribe rules under IC 4-22-2 to assist in the administration of this chapter.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984, SEC.127.

IC 20-10.1-9-3

Classification of subjects

Sec. 3. (a) The following classifications are established to encompass all subjects in all grades of the public schools for which credit is given:

- (1) Language arts-English, spelling, and literature.
- (2) Social studies.
- (3) Mathematics.
- (4) Science and health education.
- (5) Miscellaneous.
- (6) Language arts-reading and handwriting.
- (7) Foreign languages.

(b) When the classification for a particular textbook subject is unclear, it shall be determined by the rules of the state board of education.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by Acts 1981, P.L.201, SEC.2; P.L.20-1984, SEC.128; P.L.228-1987, SEC.2.

IC 20-10.1-9-4

Schedule for adoption

Sec. 4. (a) Prior to December 15, 1984, and in every sixth year thereafter, the state board of education shall make a regular adoption of, and contract for, textbooks for each subject under the classification of social studies at a meeting held for that purpose.

(b) Prior to December 15, 1985, and in every sixth year thereafter, the state board of education shall make a regular adoption of, and contract for, textbooks for each subject under the classification of mathematics at a meeting held for that purpose.

(c) Prior to December 15, 1986, and in every sixth year thereafter, the state board of education shall make a regular adoption of, and contract for, textbooks for each subject under the classification of science and health education at a meeting held for that purpose.

(d) Prior to December 15, 1987, and in every sixth year thereafter, the state board of education shall make a regular adoption of, and contract for, textbooks for each subject under the classification of miscellaneous at a meeting held for that purpose.

(e) Prior to December 15, 1988, and in every sixth year thereafter, the state board of education shall make a regular adoption of, and contract for, textbooks for each subject under the classification of language arts-reading and handwriting, at a meeting held for that purpose.

(f) Prior to December 15, 1989, and in every sixth year thereafter, the state board of education shall make a regular adoption of, and contract for, textbooks for each subject under the classifications of language arts-English, spelling, and literature, and foreign languages at a meeting held for that purpose.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by Acts 1981, P.L.201, SEC.3; P.L.20-1984, SEC.129; P.L.228-1987, SEC.3.

IC 20-10.1-9-5

Additional adoptions

Sec. 5. The state board of education may, at any time, make additional adoptions as new textbooks become available or as waivers are granted under section 27 of this chapter. A contract for a textbook that was adopted after regular adoption shall expire at the same time as contracts which were entered into at the regular time for adoptions of textbooks in that subject.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.122-1984, SEC.2.

IC 20-10.1-9-6**New subjects**

Sec. 6. Whenever a new subject is to be taught in any grade, the state board of education shall, at its next adoption meeting, adopt and contract for textbooks for that subject and grade. A contract entered into under this section shall extend only for the period of time required for its expiration to coincide with the expiration of contracts for other subjects in the same classification.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.122-1984, SEC.3.

IC 20-10.1-9-6.1**Solicitation of comments**

Sec. 6.1. The state board of education shall hold a public hearing each year prior to establishing adoption categories for any given adoption year for the purpose of soliciting comments from the public regarding the determination of adoption categories and the subsequent evaluation and selection of textbook materials submitted in these categories.

As added by Acts 1979, P.L.209, SEC.2. Amended by P.L.20-1984, SEC.130.

IC 20-10.1-9-6.2**Public inspection**

Sec. 6.2. (a) The state superintendent of public instruction shall give notice of the availability of the submitted textbooks for public inspection by issuing a press release to the news media. The press release must state the dates, times, and places where the textbooks will be available for inspection, and it must encourage the public to inspect the submitted textbooks and address written comments to the Indiana state board of education. The state superintendent shall mail the press release to the superintendent of each school corporation, who shall make it available to interested citizens.

(b) The Indiana state board of education shall make the submitted textbooks available for public inspection during regular business hours for at least six (6) weeks, beginning on or before September 15 of each year, at a textbook review center in each of the nine (9) education service center regions established by the board.

As added by Acts 1979, P.L.209, SEC.3. Amended by P.L.20-1984, SEC.131; P.L.19-1992, SEC.33.

IC 20-10.1-9-6.3

Public testimony

Sec. 6.3. The Indiana state board of education shall conduct public hearings as often as necessary to receive and carefully consider public testimony regarding public reaction to the submitted textbooks prior to making its final adoption.

As added by Acts 1979, P.L.209, SEC.4. Amended by P.L.20-1984, SEC.132; P.L.19-1992, SEC.34.

IC 20-10.1-9-7

Notice of meeting

Sec. 7. Thirty (30) days prior to a meeting for the purpose of making textbook adoptions and contracts, the state board of education shall publish a notice of the meeting in two (2) daily newspapers each of which has paid circulation of not less than eighty-five thousand (85,000) and is published in Indiana. This notice shall include a complete list of all subjects and grades for which textbooks are to be adopted at the meeting.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984, SEC.133.

IC 20-10.1-9-8

Submission of bids

Sec. 8. The state board of education shall accept sealed bids from publishers who wish to have their textbooks adopted under this chapter. A bid shall state the exact price at which each textbook would be furnished, and every bid shall be accompanied by specimen copies of every textbook proposed and by an affidavit. The bidder shall state in the affidavit that:

- (1) he is not connected in any way with any other publisher bidding at the same time;
- (2) he has no pecuniary interest in any other publisher bidding at the same time; and
- (3) he is not a party to any agreement which would deny the benefits of competition to the people of the state.

In addition, if the textbook is a revised version of a previously adopted textbook, the bidder shall state that fact in the affidavit and shall indicate whether or not the revised version varies substantively from the previously adopted version.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.122-1984, SEC.4.

IC 20-10.1-9-9

Power to reject bids

Sec. 9. The state board of education may reject any and all bids. When a bid proposes more than one (1) textbook, the board may accept it with regard to some proposed textbooks and reject it with regard to others.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984, SEC.134.

IC 20-10.1-9-10**Examination of textbooks**

Sec. 10. The state board of education shall carefully examine all books that are submitted for approval. The board shall provide for the selection of educators and lay persons to serve as textbook evaluators. The board shall meet at the time and place announced for the purpose of finally adopting textbooks for use in each subject and grade, for which notice has been given. In making its examination, the board shall consider the amount and quality of material, how adequately the subject matter corresponds to the textbook category description as adopted by the state board of education, style of binding, mechanical execution, and price.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by Acts 1979, P.L.209, SEC.5; P.L.20-1984, SEC.135; P.L.209-1985, SEC.4.

IC 20-10.1-9-11**Restriction on textbook content**

Sec. 11. The state board of education shall not approve a textbook which contains anything of a partisan or sectarian character.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984, SEC.136.

IC 20-10.1-9-12**Competition fundamental to adoption process**

Sec. 12. Competition Fundamental to Adoption Process. The letting of contracts for textbooks shall be upon full and fair competition. Any person or corporation may enter this competition and may bid to furnish any textbook regardless of whether that textbook is used in the schools of the state at the time of bidding.

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-9-13**List of adopted books**

Sec. 13. The chairman of the state board of education shall notify the school executives of the state of all textbook adoptions immediately after adoptions are made.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984, SEC.137.

IC 20-10.1-9-14**Publisher's bond**

Sec. 14. When a publisher has a textbook or textbooks adopted, he shall immediately post a five thousand dollar (\$5,000) bond to the acceptance and satisfaction of the governor, conditioned on the publisher's adequately and properly furnishing all adopted textbooks in the manner prescribed by the state board of education and at the quoted prices. If a publisher fails to adequately and properly furnish an adopted textbook, the board may cancel the adoption of the textbook.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984,

IC 20-10.1-9-15

Contracts; general terms

Sec. 15. (a) The Indiana state board of education and publishers of adopted textbooks shall enter into contracts which have been approved as to legal form by the attorney general. Each of these contracts shall specify the terms, specifications, price, and other necessary matters. If any publisher of an adopted textbook sells the same book elsewhere at a lower price than in Indiana, the publisher shall make that lower price apply to all subsequent sales in Indiana. On refusal by a publisher to make this lower price available, the governor shall investigate to verify that the publisher is selling the same book at a lower price and under similar conditions elsewhere than in Indiana. If the governor's investigation verifies that such a sale has occurred, the governor shall cancel the adoption of the textbook involved.

(b) Beginning with contracts becoming effective after June 30, 1988, each contract entered into under this chapter must provide that the publisher agrees to grant a license to the Indiana state board of education to allow for the reproduction of adopted textbooks in:

- (1) large type;
- (2) braille; and
- (3) an audio format.

(c) Beginning with contracts becoming effective after June 30, 1994, and subject to subsection (e), each contract entered into under this chapter for a textbook must require a publisher to furnish not more than sixty (60) days after a request is submitted by the board to the publisher, electronic formats for literary subject areas in:

- (1) the American Standard Code of Information Interchange (or ASCII); or
- (2) other electronic formats as determined by the board;

from which braille versions of the textbooks can be produced.

(d) Subject to subsection (e) and beginning with contracts becoming effective after June 30, 1994, if braille specialty code translation computer software is available, each contract under this chapter must require that a publisher furnish electronic formats in:

- (1) the American Standard Code of Information Interchange (ASCII); or
- (2) other electronic formats as determined by the board;

for nonliterary subjects as determined by the board in areas such as natural and computer science, mathematics, and music.

(e) The board may waive the requirements described in subsections (c) and (d) if a publisher:

- (1) offers a braille version of a specific textbook title as a commercial product;
- (2) offers the braille version described in subdivision (1) at a price that does not exceed standard braille costs; and
- (3) agrees to deliver the braille textbook not more than forty-five (45) days after the board submits a request to the

publisher in this regard.
(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984, SEC.139; P.L.229-1987, SEC.1; P.L.195-1993, SEC.1.

IC 20-10.1-9-16

Contracts; effective date

Sec. 16. Contracts; Effective Date. Adoptions and contracts made under section 1 of this chapter shall become effective on July 1 of the year following the year in which they were made.
(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-9-17

Contracts; state not liable

Sec. 17. Contracts; State Not Liable. Every contract made under this chapter shall provide that the state of Indiana shall not be liable to any contracting publisher for any sum, but that contracts shall receive their compensation solely from the sale of books in accordance with this chapter.
(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-9-18

Contracts; payment terms

Sec. 18. Every textbook contract made by the state board of education under this chapter shall provide that the contracting publisher may agree to furnish to each school corporation making a request, or to any dealer or dealers designated by it, a sufficient number of textbooks, locally selected under section 21 of this chapter, on the following terms:

- (1) If paid for in cash within sixty (60) days after delivery, at the net wholesale price of the textbooks plus transportation costs.
- (2) If purchased on a time basis, at the net wholesale price plus transportation costs plus interest on the unpaid balance, and under the restrictions in this chapter on time basis purchases.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984, SEC.140.

IC 20-10.1-9-19

Time basis purchase

Sec. 19. Time Basis Purchase. When a school corporation purchases textbooks on a time basis, the schedule for payments shall coincide with pupil payments to the school corporation for textbook rental and the schedule shall not require the school corporation to assume a greater burden than payment of twenty-five percent (25%) within thirty (30) days after the beginning of the school year immediately following delivery by the contracting publisher with the school corporation's promissory note evidencing the unpaid balance.
(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-9-20

Borrowing for purchase

Sec. 20. Each school corporation may borrow money to buy textbooks and may issue notes, maturing serially in not more than six (6) years and payable from its general fund, to secure the loan. However, when an adoption is made by the state board of education for less than six (6) years, the period of time for which the notes may be issued is limited to the period of time for which that adoption is effective. Notwithstanding other provisions of this section, a school township may not borrow money to purchase textbooks unless a petition requesting such an action and bearing the signatures of twenty-five percent (25%) of the resident taxpayers of the school township has been presented to and approved by the township trustee and township board.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984, SEC.141; P.L.8-1987, SEC.53.

IC 20-10.1-9-21**Local textbook selection**

Sec. 21. (a) The superintendent shall be responsible for the establishment of procedures for textbook adoption. The procedures must include the involvement of teachers and parents on an advisory committee for the preparation of recommendations for textbook adoptions. The majority of the members of the advisory committee must be teachers, and not less than forty percent (40%) of the committee must be parents. These recommendations shall be submitted to the superintendent in accordance with the established procedures in the local school corporation.

(b) The governing body, upon receiving these recommendations from the superintendent, shall adopt from the state textbook adoption lists a textbook for use in teaching each subject in the school corporation.

(c) A special committee of teachers and parents may also be appointed to review books, magazines, and audiovisual material used or proposed for use in the classroom to supplement state adopted textbooks and may make recommendations to the superintendent and the governing body concerning the use of this material.

(d) Each textbook selected shall be used for the lesser of:

- (1) six (6) years; or
- (2) the effective period of the state board of education's adoption of that textbook.

(e) A selection may be extended beyond that period for up to six (6) years, if the governing body is granted a waiver under section 27 of this chapter.

(Formerly: Acts 1975, P.L.240, SEC.1; Acts 1975, P.L.241, SEC.4.) As amended by P.L.20-1984, SEC.142; P.L.228-1987, SEC.4.

IC 20-10.1-9-22**Report of local selections**

Sec. 22. After a local superintendent has selected textbooks under this chapter, and not later than July 1, when new contracts become

effective, he shall forward to the state board of education a list of those selections for all subjects and grades. The board shall examine these lists, and, if the board finds a deviation from the state adopted list and that there has been no waiver granted under section 27 of this chapter, the board shall notify the local superintendent of the deviation. If the school corporation does not comply with this chapter within thirty (30) days of receiving the notification, the board shall cancel the accreditation of the offending schools.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.122-1984, SEC.5.

IC 20-10.1-9-23

Mandatory offer to purchase

Sec. 23. Mandatory Offer to Purchase. When a family moves during the school term from one (1) school corporation to another within the state, the corporation from which they move shall evaluate the affected children's textbooks and offer to purchase them at a reasonable price for resale to any family which might move into that corporation during a school term.

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-9-24

Maximum price

Sec. 24. It is unlawful for any person, firm, or school corporation to sell selected textbooks at a price exceeding one hundred twenty percent (120%) of the net price submitted to the state board of education, and such an entity shall pay all transportation charges.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984, SEC.143.

IC 20-10.1-9-25

Conflict of interest

Sec. 25. A member of the state board of education or advisory committee on textbook adoption shall disclose any financial interest, direct or indirect that he has in any textbook considered for adoption.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984, SEC.144.

IC 20-10.1-9-26 Repealed

(Repealed by Acts 1978, P.L.2, SEC.2013.)

IC 20-10.1-9-27

Waiver of adoption requirements

Sec. 27. (a) After giving the advisory committee under section 21 of this chapter an opportunity to give its recommendation, the governing body of a school corporation may request a waiver from the adoption requirements of this chapter if the governing body believes that the educational needs of the students attending that school corporation can best be served by:

- (1) adopting no textbook; or

(2) adopting a textbook that has not been adopted by the commission under this chapter.

(b) A request for a waiver must be submitted on a form approved by the Indiana state board of education before June 1 of the year preceding the first school year for which the waiver is to apply.

(c) The Indiana state board of education shall grant the waiver if it determines that the request is reasonable.

As added by P.L.122-1984, SEC.6. Amended by P.L.228-1987, SEC.5; P.L.19-1992, SEC.35.